C R S. App F IX-4]

1944

File No. 49-44

Previous References.

Municipal

Serial Nos. 3, 4

Later References

18

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Novy Cah

SUBJECT

Election of Shri D N Haralapur as Vice President of Parishad Municipality

The Compiled Mysore Gazette Notification

Law GD 4374 dated 5.4.44

Notifies

22/3/11

From the D.C. Kandy of
No. A3 c 696-61/44 dt 14/9/44
forwards proposals re the election
of Vice President to The Tamil
Union Cl

1 As the previous letter of the
D.C. is not readily available,
a draft letter is submitted to get
the same
issued
26/9

2 Issued
24/9/44

L-29 (Camps) dt 28/9/44

MS A'
Issue
9/10

Letter No. A3 c 696/44 dt 14/9/44 from
the D.C. Kandy forwarding
proposals for the election of Vice
President to the Tamil Union Cl

2 This relates to the election
of the Hon. Secretary as V.P. to
the Tamil Union Cl

1 There is no objection from
Govt. point of view to the
election of the Hon. Secretary to
be the Vice President of the Tamil
Union Cl

C F 69] Election of V P to Tarikere Mun Cl

Continuation Sheet | File No / Current No 2912/44 | of P | Page 2042 V. 2459 2

of Haralappa for ~~the~~ reasons recorded in his report

---- 5 ---- the Law section may be consulted in the matter -

6 submits for orders -

Mr 18/10/44] The opinion of the Law Section may be obtained in regard to the several contentions put forward in the Objection petition & whether the D C's report thereon may be accepted

Law Secy for

18/10/44

SLO 3793 17 GOVT OF MYSORE

8 Cus 17-10-44

For favour of opinion

Secy- Law

17/10/44

Cus 19/10/44

2W 18 07 19-1044

Submitted -

3 19/10/44

7 19/10

SECY LAW DEPT 3824 19 OCT 1944 GOVT OF MYSORE

10 The points for ~~reference~~ opinion are 1) whether the several objections raised in the petition are tenable and 2) whether the D C's report may be accepted

11 The file relates to the election of the Vice President of the Tarikere Town Municipality The record of ~~the~~ proceedings of the meeting is not to be found here However, from the papers it is ~~will be~~ seen that one candidate ~~was elimi-~~ ~~nated at the first round, another~~ withdrew, another one Dasappa was eliminated

Election of V Pr ~~Mr~~ Tankare ~~Tom~~ Mr Comal
in the first round, when two candidates
who were left got equal no of votes, 3
whereon lots were drawn

(Fg W) to the Election petition, supported
by an affidavit The grounds of Election are
in brief, as follows-

1 that the election did not commence at the
scheduled time !
2 that Presidents' voting prejudiced others
3 that slips containing names of candidates
were not shown to councillors
4 that drawing by lot was wrong

Kind ref is marked to the report of ADC
who held the enquiry (Fg G) and also to the
depositions of the witnesses

Regarding the 1st point-

12 Each There is material discrepancy
in the timings given by the petitioners and
witnesses The Panchayat states (Fg V) that he came
to the Hall at 3 PM and after taking the roll
by which time one Rangoji Rao also came, the
proceedings began at 3.10 PM The Amildar (Fg S) and
one Rangoji Rao (Fg A) & other witnesses state that
the meeting commenced at 3 - 35 - P m
and that one Rangoji Rao was present on
time The Election is not borne out
by evidence and seems to be motivated
2) With regard to the 2nd ground
it appears, it does not vitiate the proceedings

ref to D C's left report para 3 (Fs G)

3) With regard to the third objection that slips containing the names were not shown, the President states that he took down the names of the candidates and showed it to all the members & that some sitting nearby were able to read it even this is corroborated by the evidence of one Palaniappa (the Amalan) (Fs S) Manalappa (Fs B) and Pyan Siddappa (petitioners own witness) (Fs C) who says, that the slips were shown and after drawing the slip was shown to ~~the~~ Amalan who read out the name The petitioners contends that the other undrawn slip of paper was not shown But it will be seen, there from the D C's report (Fs G) that on opening the ballot box, the Le found on the undrawn slip the name of one Devarayagatta Again it will be seen that the whole proceedings took place with the consent of the councillors who have not at that time at having raised any objection at all so, now after facts, this objection does not perhaps amount to any irregularity

2912-
P

Election of Vice President of Tarkan Town Municipality

13) With regard to the objection that lots were taken and ref is invited to Rule 7(3)(d) the Rules which says, that in the event of equality of votes at the final stage between the two remaining candidates the returning authority shall draw lots in the presence of counsellors and the person whose name is first drawn shall be considered to have been elected

My att to the objections mentioned in the other petition (F & H) do not seem to be tenable as they are matters of convenience agreed to by the members

It appears, thus, all the objections as raised are not maintainable and the election DC is reported may perhaps be accepted and the election of new Standing may be afforded

16 The file is not complete — there are the Election Rules?

DSCH 20/10

17 The election rules are put up herewith 3 23/10/44

NMH 25/10

18) I have gone through the records — the objections to the election of V P are based on suspicion the evidence adduced to rather vague & disconnected the main objection seems to be

that the Presiding authority favoured
favoured by Hadleigh Two points
are alleged for this —

i) That the meeting was held
late, and only after the
arrival of the Rawford's Rep

ii) & that when lots were
drawn, the Presiding authority
did not show the slips before
they were thrown into the box
& even after the selection was
made by the drawing of lots

Next the Chair is asked the names of
the last remaining candidates were written
down & shown to the members present
is an admitted fact — but there is
evidence to show that the names were
written on slips and shown by the Presiding
Officer in the presence of the members
& that the lots were drawn in the
presence of the members is also
admitted & proved The rules require
that "the presiding authority shall
draw lots in the presence of the
Councillors." — This was done
If any member felt any suspicion
then he could have demanded the
authority to show him the slips —
No such thing was done at that
time & as it seems that
this objection is an afterthought
& it is entirely unsupported

based on suspicion for which there is no foundation

2 It is the holding of the meeting later — no doubt, the evidence is not quite consistent anyway, there is sufficient evidence that at the time the attendance was being taken the Manager has come in, there is also evidence to show that the meeting was not delayed on account of the Manager's absence 980 etc., there is sufficient material on record to show that the election was in any way materially affected on this account

3 I therefore think ~~[illegible]~~ that the objections set forth are not sufficiently proved to set aside the election

Law Secretary 3/11/11

4 CM 2-11-44

Asst Secy 4/11

I direct notice in accordance with the above Law opinion is sent to the orderly

Law Secy 2/11/44

May be approved

Minute 2 SG

2-11-44

3 11 44

3 11 44

OFFICE OF THE MINISTER
FO L S G & P H
Dt 3 11 44
No 3468

1208 21/8 MSL 49-44-3 2042/L

From Office of the Deputy Commissioner, Kadur District,
A3 C 696-61/44-45 Chikmagalur, Dated 14th September 1944
Encl One file

16 SEP 1944

To

The Secretary to the Government of Mysore,
Law Department, BANGALORE

Subject Re the Petition received from Messrs T J Narasingappa and other members of Tarikere Town Municipal Council, contesting the validity of the Election of the Vice-President of the said Municipal Council

In continuation of my letter No A3 C 696-61/44-45 dated 16th August 1944 on the above subject, I have the honour to state that an enquiry into the validity of the objections was held by me at Tarikere on 10-9-1944 and 11-9-1944 The three petitioners, the Amildar, Tarikere Taluk and six other councillors were examined

2 The first objection is that the election was not commenced at the scheduled time and that the voting was delayed for 10 minutes, until the arrival of one Mr M Rangoji Rao, who was brought to the Voting Hall by Mr M H Narasingappa's brother from Bangalore From the enquiry, there is no evidence to prove that the meeting commenced late and that the meeting proceedings were delayed on account of the absence of Mr Rangoji Rao One of the petitioners viz , Mr T H Nagappa has stated that the councillors were not waiting merely for the arrival of Mr Rangoji Rao when the attendance of the other members was being taken, this member might have entered the meeting Hall In my opinion, the objection is baseless

3 The second objection that the President voted for the counter-petitioner etc is quite irrelevant to the point at issue as the Ex-officio members are not prohibited from voting at the elections

4 As regards the third objection that the slips containing the names of the contesting candidates were not shown to the councillors before drawing the lot etc , it is made out from the enquiry that the slips were shown to the councillors and that the members who sat close to the President were even able to read the slips It was

It was admitted by all that the President acted in all proceedings of the meeting with the consent of the members at each stage It was open to the petitioner to raise the objection at the time of the meeting or to demand personal verification of the slips at the final stage He says that he felt doubt about the conduct of the President when all the proceedings were over and that he did not ask the President to show the slips as he thought of filing an objection petition to the Deputy Commissioner This objection is apparently the result of an after thought From the evidence of Mr Devangada Dasappa, it is seen that all the papers relating to the Election proceedings including the two slips of papers were put in the ballot box and sealed After examining seven persons, the ballot box containing the election papers were opened by the One cover said to contain the undrawn slip of the lot was opened It contained a slip bearing the name of Mr T V Narasingappa Another cover containing the voting papers was opened which contained besides voting papers etc , the slip of drawn paper containing the name of Mr D Narsappa Both these slips were shown to all the councillors who were present at the enquiry As the lot was drawn in the presence of the councillors and as both the slips were put into the ballot box and the same sealed before all the councillors, the objection of the petitioner, does not deserve any consideration Further the petitioners are estopped from questioning the procedure adopted by the President in view of their conduct

5 After the enquiry was over the petitioners have presented another petition objecting to the appointment of tellers and in drawing the lot Though this is not provided for in the rules, tellers are appointed for the sake of convenience The wording of the rule cannot be very rigidly construed as the entire proceedings of the meeting cannot be done by the President himself It has been the practice, in several Municipalities, to have counters during the elections of members, presidents and vice-presidents As regards the drawing of the lot, Rule 7 of the Rules says that "In the event of there being an equality of Votes at the final stage between the two remaining candidates, the Presiding Officer shall draw lots in the presence of the Councillors" The rules do not specify the exact mode of drawing the lot It is clear from the enquiry that both the contesting candidates had consented for

the

1042

the selection of the boy to take out the slip In my opinion there is no material irregularity or fraud in the procedure followed

In this connection kind reference is invited to rules 9 and 10 of rules relating to election of Presidents and Vice-Presidents of Town Municipalities If Rule 10 is strictly construed in the manner in which the appellants want rule 7 to be construed, then the President himself has to seal up the packets The business of sealing is done by a menial usually in the presence of the presiding authority Further as per strict interpretation of Rule 10, the box can only be sealed after the report prescribed in Rule 9 is sent It is evident therefore that the rules have to be construed in a liberal manner

As there are no good grounds to set aside the election, I request that the election of Mr D Narasappa as Vice-President may be kindly approved

E/ The following papers are enclosed for kind perusal of Government -

1 Order Sheet
2 Objection petition with affidavit and Vakalat
3 Report of the President dated 25-8-44
4 Depositions of all the members
5 Further petition received from Mr T V Narasingarao and others

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kadur District

Tss

The enumeration file has already been sent to the return will be awaited, if affirmed, Yes till the 25th with then it may be put up for

16/9

Dear Sir, I 29 d 28-9-44 2042/2

I am desired to request you to arrange to send us a copy of your letter ~~No. [illegible]~~ No A3 c 696-61 of 44 & 16 & 44 referred to in your subsequent letter of 14 & 44 re the election of Vice President of the Tamilnad Town Md el, ~~[illegible]~~

Yours faithfully,

To,
The D c Kadambur (Tyumaur)

Sub A
Mar 9/10

No A3 C 696 of 44-45
Encl One only

OFFICE OF THE DEPUTY COMMISSIONER
KADUR DISTRICT
CHIKMAGALUR Dated 2-10- 1944

2459/L

To

The Secretary to the Government
of His Highness the Maharaja of Mysore
Law - Department
BANGALORE

Sir

As desired in your D O letter No L 29 dated 28-9-1944, I have the honour to send herewith, a copy of this office letter No A3 C 696 of 44-45 dated 16th August 1944 re the election of Vice-President, for the Tarikere Town Municipal Council

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Kadur District
(Absent from Headquarters)

RKN

Copy of letter No A3 C 696 -61 of 44-45 dated 16th Aug 1944, from the Deputy Commissioner Kadur District, to the Secretary to Govt of Mysore, Law Department, Bangalore

- -

In continuation of this office letter No A3 C 696-61 of 44-45 dated 15th August 1944, reporting the result of election of the Vice-President of the Tarikere Town Municipal Council, I have the honour to state that Mr T V Narasingappa and two other members of Tarikere Municipal Council have presented a petition dated 10-8-44 contesting the validity of the election of Mr.D H Haralappa as Vice-President An enquiry into the validity of the election will be held and the proceedings thereof with my opinion will be reported to Government as required by rule 13 of the Rules regulating the election of Vice-Presidents of Town Municipal Councils

"Copy"

For Deputy Commissioner,
Kadur District

RKN

Extra 15

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No 24374/Rd 49-GGG-44 *Dated Bangalore* 4-11-1944

NOTIFICATION

Under Section 23 (4) of the Mysore Town Municipalities Act, 1933 and the rules framed thereunder, Mr D H Haralappa, is elected as the Vice President of the Tarikere Town Municipal Council, Kadur District

By Order

Secretary to Government
Law Department

To -

The Compiler, Mysore Gazette, for publication in part III-A of the Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner, Kadur District

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GRD

Appendix F G—1]

SUBJECT

Section M1
File No 49-44
Serial No 4

No L4374 Dy 4-11-44

To, The Collector

Under Section 23(4) of the Bombay Municipal Boroughs Act, 1925 & the rules framed thereunder, Mr. D. H. Haralappa, is elected as the Vice President of the Dandeli Municipality in North Kanara District

By order
etc

for Secy to Govt, Local Self Govt Dept
4/11

To the Compiler, M.G. for publication in Part III-3 of the Gazette & Supply of ten Copies thereof to the Secretariat & to the Deputy

Diary No of letter replied to

General and Revenue Secretariat
( )
the 194 .

Date of issue 3-11-44

Signed by for Secy to Govt

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

Commissioner, Kaira Dist

Memo L 4375 dt 3-11-44

Copy of the above is forwarded to C/C
to ~~the~~ Dist/Kaira Dist for info with ref.ce
& Correspondence ending with his letter No
A 3 & 696/44 dt 2 10 44
The records accompany

Yours obt
Servt

for Loc. to Govt. & Depl
dt 11

Pages 1—1: